THE STRUGGLE OF PROTESTANT DISSENTERS

FOR

RELIGIOUS TOLERATION IN VIRGINIA

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History is past Politics and Politics present History.—*Freeman*

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IV

THE STRUGGLE OF PROTESTANT DISSENTERS FOR RELIGIOUS TOLERATION IN VIRGINIA

BY HENRY R. McILWAINE, PH. D.

Professor of English and History, Hampden-Sidney College

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INTRODUCTION.

The history of Protestant Dissenters in Virginia may be divided into three periods:

I. The first period extends from the early years of the settlement of the colony to the year 1649. This is the period of the establishment of the Church of England as the Church of Virginia; of the conflict that arose between the Church of England party and the Puritan party in Virginia, answering to the struggle between King Charles and his Parliament in England; and of the consequent withdrawal of many of the Puritans from Virginia into Maryland.

The Church of England was for a time triumphant.

The Puritans in Virginia and Maryland have been made the subject of special study by Dr. Daniel R. Randall. His monograph, A Puritan Colony in Maryland, is published in the Johns Hopkins University Studies in Historical and Political Science for 1886.

II. The second period, beginning with the year 1649, extends to the close of the French and Indian War.

It embraces the rise of the Quakers, and later of the Presbyterians; and the efforts made by the Dissenters looking toward the recognition of their rights of toleration on the part of the government.

III. After the close of the French and Indian War came the struggle of the Separate Baptists, the Revolutionary War, and the final triumph of the Dissenters over the Established Church in the "Act for the Establishment of Religious Freedom" of 1786. This period may be called The Period of Struggle for Religious Freedom.

The present paper is confined to a treatment of the second of the three periods described,—The Period of Struggle for Religious Toleration.

I.

The Established Church of Virginia.

At the time of the first settlement of Virginia, that great movement known as the Protestant Reformation had not achieved its perfect work. Only the first steps had been taken toward the religious freedom that prevails to-day. For the authority of the Church of Rome there had been substituted the authority of various Reformed Churches in the several Protestant countries of Europe; but authority was still absolute. That form of belief adopted by each State as the national religion must be conformed to by each member of the State, or persecution would follow. Thus in Virginia, settled in the main by conforming Englishmen, not for religious reasons, but for the advancement of their temporal fortunes, naturally the Church of England was established by law.

In theory, the Church of Virginia was simply a branch of the Church of England—simply a part of a greater whole. But in respect to forms of worship, and more especially in respect to church government, it developed such important differences that in its actual working it fell far short of true Episcopacy.

The following description of the Church in Virginia is drawn in the main from the "Present State of Virginia," a work written in 1724 by the Reverend Hugh Jones. Other sources, however, have been drawn upon for occasional illustration and enlargement. The view is of the Church at the time of the administration of Sir Alexander Spotswood, Governor of Virginia from 1710 to 1722, by which time the peculiarities of the Church had about reached their full development.

The different stages of this development, so far as it was

under the control of the General Assembly of Virginia, may be seen in the various enactments of that body on religious questions.[1] These are extremely numerous, commencing with the earliest session of the Assembly, and continuing at intervals throughout the entire history of the colony. We are not, however, concerned with the individual statutes, but with the results of the whole body of legislation, modified as they were by the power of the royal governors, and by the rather nominal power of the Bishops of London, in whose diocese Virginia, as well as the other colonies, was embraced.

The Bishop of London was represented in Virginia by a commissary, whose authority was, however, very limited. The office had not been created till the year 1689, when the Rev. James Blair was appointed.[2] But by this time the Church of Virginia had reached such a stage of development independently of a commissary that where his power came into conflict with the established order of things it was practically null.

On the one hand, the commissary came into conflict with the Governor, who claimed to represent not only the king, but the Bishop of London also. In this contest the Governor, very naturally, proved the stronger. Nor, on the other hand, would the people submit to visitations. On this point Mr. Jones says: "Visitations have been in vain attempted; for the corrupt abuses and rigor of ecclesiastical courts have so terrified the people that they hate almost the very name, and seem more inclinable to be ruled by any other method, rather than the present spiritual courts."[3] The people were evidently afraid that visitations would lead to some worse form of ecclesiastical interference. Thus the commissaryship soon sank into insignificance. Its holder was hardly more than a confidential correspondent of the Bishop of London.

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[1] Cf. Hening's Statutes at Large, I., pp. 123, 144, 149, 155, 180, 240, 268-9, 433, 532, etc.

[2] Hawks. Contributions to the Ecc. Hist. of the United States of America, I., 73.

[3] Present State of Virginia, p. 66.

In a certain sense the Governor was the head of the Church of Virginia, but his headship rested upon two widely discordant theories,—the popular theory and the prerogative theory.

According to the first of these, the Governor had been made head of the Church by the law of 1643,[1] which was re-enacted, in effect, in 1662. This law provided: "That for the preservation of purity and unity of doctrine and discipline in the church, and the right administration of the sacraments, no minister be admitted to officiate in this country but such as shall produce to the Governor a testimonial that he hath received his ordination from some bishop in England, and shall then subscribe to be conformable to the orders and constitution of the Church of England, and the laws there established: upon which the Governor is hereby requested to induct the said minister into any parish that shall make presentation of him; and if any other person, pretending himself a minister, shall, contrary to this act, presume to teach or preach publicly or privately, the Governor and Council are hereby desired and empowered to suspend and silence the person so offending; and upon his obstinate persistence, to compel him to depart the country with the first convenience."[2] Under this law the vestries claimed the right of presentation, leaving to the Governor the right only of inducting the ministers who had been chosen by the vestries and presented for this ceremony.

But the Governors had a theory of their own. Taking high prerogative grounds, they claimed headship, and a more complete headship, by virtue of their commission from the crown. Their theory is clearly set forth in a letter written by Governor Spotswood in 1713 to the vestry of the Parish of

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[1] Beverley's History of Virginia, p. 212.

[2] Hawks, p. 58. Quoted from Trott's Laws of the British Plantations, p. 116. Hening (Vol. I., 277) does not give the full text of the law. He seems to have had in his possession only an abstract of it, which he construed so as to make the law inflict the penalty of expulsion on all Nonconformists, lay as well as clerical (I., p. xv.). In this error he has been followed by later historians. It seems clear that the law applied to ministers alone.

St. Anne in Essex county.[1] The following sentence occurs: "As the king is the sovereign of these plantations, so is he vested with the right of patronage of all ecclesiastical benefices, unless when it appears that he has by apt words granted the same away to private subjects." This right had at one time been "granted away" to Lords Arlington and Culpeper. In the grant by which they had been made proprietors of Virginia, it was expressly stated that they should be "sole and absolute patrons of all the churches and chapels . . . within the said territory." When this grant reverted to the crown, the right of patronage reverted with it; and this right had been "expressly excepted out of the Bishop of London's patent as Bishop of the Plantations." Governor Spotswood shows further that his commission and instructions from the crown expressly give him full power to collate to ecclesiastical benefice without consulting the vestries.

The English Attorney-general, Sir Edward Northey, had in 1703 given it as his opinion that "the right of presentation by the laws of Virginia was in the parishioners, and the right of lapse in the Governor."[2] Spotswood's claim went, as we have seen, much beyond this. In practice, however, he did not go so far as the law of Virginia undoubtedly allowed, for he never ventured to make use even of this power to induct in case of a six months' vacancy.[3]

Briefly put, the question was whether or not the men who had established the living should be its patrons. The claim of the vestries was distinctly an American one, and its successful maintenance shows to what extent the theory and practice of the Church of Virginia had departed from strict Anglican views. The vestries remained the true source of power.

The power of the vestries was derived not alone from the laws of the colony, but even more largely from the peculiar constitution of Virginia society. The law of 1643, upon

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[1] Letter given in Meade's Old Churches and Families of Virginia, II., Appendix.

[2] Campbell's History of Virginia, p. 402. [3] Meade, I., 162.

which the vestries based their claims to the right of presentation, has been given above. At the session of the General Assembly for 1661-62, the year after the restoration of Charles II., a thorough revision of the laws of the colony was made. Act II., of this session, embracing and enlarging statutes that had been before enacted, placed vestries on their final legal basis. It is in part as follows: "That for the making and proportioning the levies and assessments for building and repairing the churches and chapels, provisions for the poor, maintenance of the minister, and such other necessary duties for the more orderly managing all parochial affairs, Be it enacted, that twelve of the most able men of each parish be by the major part of the said parish chosen to be the vestrymen . . ."

Two churchwardens were to be chosen yearly out of this body by the vestry itself acting with the minister. A most important provision of the law was that the vestry itself should fill vacancies made in its own number by death or removal from the parish.[1]

By Act XIII.[2] of the same session churchwardens were required to make, twice a year, in the county courts, presentments of such misdemeanors as, in their own knowledge or by common fame, had been committed. These misdemeanors were swearing, abusing the Sabbath, contemning God's Word or sacraments, absence from church, drunkenness, fornication, adultery, slandering and backbiting. The churchwardens were, in a word, guardians of the morals of the people. They were, in addition, agents of the vestries in keeping the churches in repair and furnishing them suitably, and in collecting and paying the salaries of the ministers.

A course of action that added greatly to the power of vestries was the plan adopted by them almost invariably of employing a minister for only a year at a time, and failing to make presentation of him to the Governor for induction. Very few ministers were ever regularly inducted. The plan

[1] Hening, II., 44. [2] *Ibid.*, II., 52.

was adopted as a measure of self-defense. In the bad condition of the clergy prevailing at that time, it was sought to prevent unacceptable ministers from being saddled upon the parishes.[1] This dependence, however, of ministers for their positions upon the good will of the vestries was a feature in church government entirely at variance with the English system.

But the reason why the Governors of the colony were always careful to keep, as far possible, on good terms with the vestries, is not to be found in the legal powers of these bodies. It is to be sought, rather, in the respect that the Governors had for the influence of the individuals who composed the vestries. The vestrymen were the leading men of the community. In colonial days in Virginia it was considered an honor to hold office, and office-holding tended even to become the badge of a class. A member of the parish vestry was nearly always chosen to represent the county in the House of Burgesses. If not a vestryman, the member of the House was sure to be a representative of the same ruling class, and jealous of its privileges.[2] The Governors, then, in order to keep in favor with the House of Burgesses, were compelled to use great discretion in their dealings with the vestries.

In addition to this, the vestrymen had in some cases been educated in England, and had such business and social connections there that they knew how to make the force of their resentment against the Governors have weight with the English government. And it was the general policy of the English government to allow the people of the colony to have their own way where this did not affect seriously the amount

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[1] Meade, I., 150 ff.

[2] In order to see to what an extent the membership of the House of Burgesses was made up of vestrymen, it is only necessary to compare its lists of members given in Hening's Statutes, with the vestry rolls given in Meade's Old Churches and Families of Virginia. Bishop Meade makes the statement that there were not three members of the Virginia Convention of 1776 who were not vestrymen of the Established Church. This illustrates how the power of the colony was concentrated in the hands of a few men.

of revenue to be extracted from them. In no manner is this better illustrated than in the removal of Governors who made themselves obnoxious. Spotswood himself, the best of all the Governors, and a man whom the Virginians seem to have respected highly, incurred the enmity of some, and means were found to have him displaced.[1]

For the foregoing reasons the vestries were strong enough to make their claims good against the combined protests of the Governor, the commissary, and the clergy. As a result, the Church of Virginia, in the absence of central authority, was really a collection of independent congregations bound together rather in theory than in fact.

It was natural that from this state of affairs irregularities should arise in the church services, and it causes no surprise to find the following sentences in Jones's "Present State of Virginia": "In several respects the clergy are obliged to omit or alter some minute parts of the liturgy, and deviate from the strict discipline and ceremonies of the Church, to avoid giving offence, through custom, or else to prevent absurdities and inconsistencies. Thus surplices, disused there for a long time in most churches, by bad example, carelessness and indulgence, are now beginning to be brought in fashion, not without difficulty; and in some parishes where the people have been used to receive the communion in their seats (a custom introduced for opportunity for such as are inclined to Presbytery to receive the sacrament sitting), it is not an easy matter to bring them to the Lord's table decently upon their knees."[2] This passage casts a strong light upon the condition of affairs. It reveals the strength of local custom and the strength of partial nonconformity within the Church itself.

For an understanding of the influences which had brought about this diversity of local custom, a glance must be taken at the different elements that composed the population of Vir-

[1] Campbell's History of Virginia, p. 404.
[2] Present State of Virginia, p. 69.

ginia. First, it should be remembered in this connection that up to the time of the Act of Uniformity of 1662, passed by the "Cavalier" Parliament of Charles II., the Church of England was not thoroughly an Episcopal Church, in that it did not in all cases require episcopal ordination of its ministers. The struggle between the Puritan[1] party and the Episcopal party had been going on largely within the Church itself, and with varying success. But by this act Presbyterian and other Puritan ministers were forced from the Church to the number of about two thousand. This was about one-fifth of the entire ministry of the Church at that time.[2] These facts warrant the statement that very many of the members of the English Church who settled in Virginia early in her history were probably tinctured to a greater or less extent with Puritanism, in the broad sense of the term. These could not have failed to make their influence felt locally in church affairs.

The question of the strength of the more extreme Puritans (Independents) in Virginia is a much vexed one. Their number, however, must have been much greater than was formerly supposed. The Virginia Company of London was composed of some of the broadest-minded men of the age; and certainly after 1619 Sir Edwin Sandys and other leaders of the party that advocated popular rights as opposed to the royal prerogative, had a preponderating influence in its councils; so much so, that the company became, in the eyes of the king, "but the seminary to a seditious Parliament," and in 1624 its charter was revoked. Such a body of men would hardly have been very strict in requiring of applicants for patents conformity to the Church of England at a time when the most energetic means were being employed to find colonists. And, on the other hand, it is not reasonable to suppose that the settlers themselves, who, indeed, were by no means severely religious, would, in the midst of struggles

[1] The term Puritan is intended to embrace all those who objected to bishops and the Book of Common Prayer.

[2] Green, History of the English People, III., 861.

against primitive nature and hostile savages, allow their theological antipathies to carry them into persecution. Papists, indeed, were excluded; for at that time it could not be understood how a Papist could be at heart a loyal Englishman, and the claims of Catholic Spain upon the territory of Virginia were not to be lost sight of. But there is good reason to believe that there were Independents in the colony as early as 1611. From time to time after that date small companies of them continued to come over from England. These settled principally in Nansemond county in the southeastern section of the colony. During the struggle between Charles I. and Parliament they were strong enough to excite the alarm of the government of Virginia. The Nansemond congregations, encouraged by the state of affairs in England, sent, in 1641, to New England for ministers. Three ministers answered the call. These were met by the law of 1643, requiring episcopal ordination of the clergy, and two of them were compelled to leave the colony.[1] However, the doctrines of Puritanism spread. Mr. Harrison, the Governor's chaplain, became a convert and went to preach to the people in Nansemond. Harrison reported afterward that several members of the Council and about one thousand among the people were inclined to Puritanism. To what extent, however, this number consisted of political Puritans is not indicated. Finally, the government adopted such measures toward the Nansemond Independents as were calculated to deprive them of their leaders and check their growing importance.[2] Under these circumstances many of them emi-

[1] The fact that the third minister remained seems to indicate that he had received episcopal ordination and so could not be reached by the law.

[2] Though the removal of the Puritans to Maryland is mentioned by several contemporary writers, we have no knowledge of the exact course of events. It seems evident, however, that the confused account given of the affair by John Hammond in his "Leah and Rachel" cannot be accepted as accurate. It is impossible to believe that Governor Berkeley, stout-hearted royalist as he was, would have dared to expel from Virginia, as Hammond states, the representatives of a party which at that time was triumphant in

grated to Maryland, from the government of which colony their elder, Richard Bennett, had obtained for them substantial privileges. But many of them remained in Virginia. After the days of the Commonwealth, when the Church of Virginia became again an episcopal establishment, those of the Nansemond Independents who remained probably gave in a nominal conformity. But they must have been strong enough to affect the character of the parish or parishes in which they were located. Probable traces of their influence will be discussed further on in this paper.

In regard to the Puritans who came to Virginia in the time of the Commonwealth or after the Restoration of Charles II., there is no reliable information. Beverley says that some came, but that their number was small.[1] Beverley, however, was a strict Churchman and of Royalist parentage, and on this account he would be inclined to depreciate the influence of settlers of the party opposed to his own. It is probable, however, that those of the party who came to Virginia—certainly those who came after the Restoration—were

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England. Again, Hammond says that Colonel Samuel Mathews was the chief actor in the persecution of the Independents. This is the same Colonel Mathews who became in 1656 head of the Provisional Government of Virginia. Assuming that Hammond's account is correct, it would be almost impossible to explain the later influence of Colonel Mathews with the Puritan party in the day of their power. Also, the fact that Governor Berkeley remained in Virginia unmolested during the whole time of the ascendency of the Puritan party seems to prove that his persecution of Independents could not have been extreme. It has been already shown that he had no warrant in law for severe measures against ordinary lay Nonconformists (p. 12, note). Hammond, it should be remembered, had been himself expelled from Virginia for turbulence in 1652 by the Provisional Government, and had taken up his residence in Maryland. There he had taken the side of Governor Stone in the dissensions stirred up by the Puritans who had come from Virginia, and he was compelled to leave that colony also. His hatred of the Puritans was intense. In writing his account of the Nansemond congregation it was undoubtedly his desire to make their conduct in turning against the government that had received them in their adversity, appear as monstrous as possible; and in order to bring into stronger relief the kindness that they experienced in Maryland he exaggerates the story of their hardships in Virginia.

[1] History of Virginia, p. 232.

political rather than religious Puritans; for men of the latter class would have preferred New England. Hence it may be concluded that those who came to Virginia had no scruples in giving their adhesion to the Established Church. But the influence of such men would naturally be in the direction of local freedom. There must be added to these the Scotch merchants, of Presbyterian education, who were always numerous in Virginia.[1] Another element of the population consisted of foreigners, that is, of men not from the British Islands. At a very early period there were in the colony a few Germans, Poles, French, and Dutch.[2] Later on came Walloons from time to time, and still later, Huguenots.[3] The combined influence of these various elements would seem to be enough to account for the irregularities in forms of service noticed by the Rev. Mr. Jones.

This view of the Church of Virginia will enable us to understand the attitude of the Church as a whole toward Dissenters, and the attitude of its local units. The independence of these units should be kept in mind. In it is to be found an explanation of the unequal manner in which laws against Dissenters were executed in different sections of the colony. Instances of this inequality will be given in the next chapter.

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[1] Campbell, History of Virginia, p. 448.

[2] Narrative and Critical History of America, III., 132. Neill, Virginia Company of London, pp. 227, 242, 285.

[3] Huguenot Emigration to Virginia (Virginia Historical Collection, V.), pp. v. ff. To the settlement of the Huguenots at Manakin Town and of the Germans at Germanna, a special chapter of this paper will be devoted.

II.

The Quakers.

It is aimed in the present chapter and the following chapters to trace the conflicts that arose between the government of Virginia and the Protestant Dissenters who came into the colony after 1649, and to discover the causes which resulted in the final recognition of the rights of the latter. A detailed account of the Dissenters will not be presented. Their story has been told in various works with more or less minuteness. Only so much of it will be given here as is necessary to an understanding of underlying principles.

During the time of the Provisional Government in Virginia, church affairs were left to the management of the vestries, no change in service being insisted upon by the Parliamentary Commissioners except that, after one year from the signing of the Articles of Surrender, the Book of Common Prayer should not be used in public worship. This provision was made so as to bring the church into agreement with the church as it was at that time established in England.

About the year 1656 Quakers began to make their appearance in Virginia. Elizabeth Harris was their first missionary, and during her stay she seems to have met with some success in making converts.[1] Josiah Cole and Thomas

[1] Janney, History of the Religious Society of the Friends, etc., I., 430 ff. Janney says that one of the converts of Elizabeth Harris was Robert Clarkson, a respectable and influential colonist of Severn, where there was a Friends' meeting as early as 1657. He gives the location of Severn as between the Rappahannock and York rivers in Virginia. This is evidently an error. In a letter to Elizabeth Harris from Clarkson, dated from Severn, the 14th day of the eleventh month, 1657, the following passages occur: "The two messengers thou spoke of in thy letter are not yet come to this place; we heard of two come to Virginia in the fore part of

Thurston came over from England toward the close of the year 1657, and were probably imprisoned for a short time by the authorities. Thurston, it appears, suffered imprisonment again the following year.[1] William Robinson also was imprisoned this year.[2] There was at this time no special law in Virginia against Quakers, and these imprisonments were made in accordance with the general English practice. Under Cromwell's government, notwithstanding Cromwell's own principles of toleration, there was still great harshness shown to this sect in England.[3]

During the period of the Provisional Government in Virginia the Governors of the colony were elected by the Assembly. In March, 1660, two months before the return of Charles II. to England, Sir William Berkeley was elected Governor. This marks the return of the Royalist party to power in Virginia. One of the first acts of the Assembly, after the election of Berkeley, was directed against the Quakers.[4]

It provided that no master or commander of a ship should, under penalty of £100 sterling, bring any Quakers into Virginia; and that all Quakers were to be apprehended and committed to prison without "baile or mainprize" till they should give security to leave the colony. If any should dare to

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the winter, but we heard that they were soon put into prison and not suffered to pass; we heard further that they desired liberty to pass to this place, but it was denied them," etc. "We have disposed of most of the books which were sent, so that all parts are furnished, and every one that desires it may have benefit of them; at Herring Creek, Roade River, South River, all about Severn, the Broad Neck and thereabouts, the Seven Mountains, and Kent." The first of these passages strongly indicates that the writer of the letter was not in Virginia. The names mentioned in the second passage are conclusive of the point. They are all to be met with in the general vicinity of Annapolis, Maryland. The Kent spoken of is Kent Island, which was the territory in dispute between Lord Baltimore and Colonel William Claiborne. Severn, now appearing on the map as the name of the river on which Annapolis is situated, was at that time the name of a settlement made by the Puritans who had come from Virginia.

[1] Janney, I., 433. [2] Neill, Virginia Carolorum, p. 285, note.
[3] Cf. Janney, Vol. I. [4] Hening, I., 532.

return, he was to be proceeded against as a contemner of the "laws and magistracy and punished accordingly," and again banished. If any should return after this second expulsion, he was to be proceeded against as a felon.

No person, under like penalty of £100, should entertain any Quaker that had been "questioned by the Governor and Council," or permit Quaker assemblies in or near his house. Distribution of their literature was also forbidden.

There is no evidence that any Quaker ever suffered the extreme penalties of this harsh law. It is probable that the declaration issued by Charles II. from Breda had at least a temporary effect upon the authorities of Virginia.[1] The declaration embodied the principle that no man should be called in question for differences of religious opinion so long as he did not disturb the peace of the kingdom.

In 1662-1663, the laws of the colony underwent a thorough revision. The new statutes against Quakers and other Dissenters, though still severe, were noticeably less harsh than the old. In an act of 1662 providing against the profanation of the Sabbath by unnecessary work or by absence from church services, "Quakers and other recusants, who, out of nonconformity, totally absent themselves," are excepted from its general provisions and put into a special class. On these, for each month's absence a fine of £50 sterling was imposed. If absent a year, the offender was to give security for his good behavior, and also pay the fines for his monthly absences.[2] Next came an act of the same year imposing a fine of two thousand pounds of tobacco on any one who refused to have his child baptized.[3] In the following year (1663), the act headed "An act prohibiting the unlawful assembly of Quakers" was passed. Other Nonconformists, however, were included with the Quakers by the preamble of

[1] The declaration was issued April 14, 1660. Information of it must have very soon reached Virginia. Probably toward the close of the year, it was sent officially to Governor Berkeley. (Cf. Virginia Carolorum, p. 283.)

[2] Hening, II., 48. [3] *Ibid.*, II., 165.

this act; and from the preamble it may be seen also that the measure was in part political as well as religious.[1] The provisions of the act were:

1. Quakers of the age of sixteen years or over, assembling together to the number of five or more, were, for the first offense, to be fined two hundred pounds of tobacco; for the second, five hundred pounds of tobacco; and for the third, to suffer banishment.

2. If any one should be unable to pay the fine so imposed, it was to be collected from one of the wealthier Quakers at the meeting.

3. Masters of vessels who brought Quakers into the colony, unless by virtue of a recent act of Parliament, were to be fined five thousand pounds of tobacco and compelled to take them away on the return trip.

4. Persons entertaining Quakers in order for them to preach were to be fined five thousand pounds of tobacco for each offense.

5. Officers of the colony who neglected to carry out the provisions of the law should be fined two thousand pounds of tobacco.

6. It was provided, in conclusion, that Quakers or other Separatists, who gave security to attend no meeting in the future, were to be released from the penalties of the law.[2]

The number of Quakers who suffered under this law cannot be determined. The records of the courts have in most cases been lost, and Quaker accounts of the persecution necessarily rest under the suspicion of being exaggerated. Nor do these accounts always distinguish between maltreatment by the populace and punishment inflicted by the law.

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[1] The preamble is in part as follows: "Whereas it is evident of late time that certain persons, under the name of Quakers and other names of separation, have taken up and maintained sundry dangerous opinions and tenets; and whereas the said persons under pretense of religious worship, do often assemble themselves in great numbers in several parts of this colony, to the great endangering its public peace and safety, and to the terror of the people, by strict correspondency among themselves," etc.

[2] Hening, II., 180 ff.

The whipping of Mary Tompkins and Alice Ambrose, for instance, as described in Bishop's "New England Judged,"[1] if authentic, is to be explained probably as the work of a mob. There seems to have been no warrant in law for such a punishment.

In connection with the laws of the colony, there must be taken the instructions given by the crown to Sir William Berkeley on the 12th of September, 1662. With reference to religious differences, these instructions were:

"And because we are willing to give all possible encouragement to persons of different persuasions in matters of religion to transport themselves thither and their stocks, you are not to suffer any man to be molested, or disquieted in the exercise of his religion, so he be content with a quiet and peaceable enjoying it, not giving therein offence or scandal to the Government; but we oblige you in your own house and family to the profession of the Protestant religion, according as it is now established in our Kingdom of England, and the recommending it to all others under your government, as far as it may consist with the peace and quiet of our said Colony."[2]

These instructions, which reveal the steady desire of the English government to foster the growth of the population of Virginia, could not have been entirely disregarded by Governor Berkeley. The growth of population, too, was greatly desired by the people. For this, and for other reasons which will be explained below, the people were not undivided in their support of persecuting measures against Quakers. The provision of the law that officers of the colony who neglected to carry out its requirements should be fined two thousand pounds of tobacco gives an intimation of the way in which it was, in some localities, soon to become almost a dead letter; for the execution of the law depended upon local feeling.

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[1] Account quoted in Neill's Virginia Carolorum, p. 299.
[2] Given in Virginia Carolorum, p. 292.

The House of Burgesses, however, in the session of 1663, set the example of proceeding against Quakers. John Porter, a member from the county of Lower Norfolk, having been accused of being well affected toward the Quakers, and so far "an ana-baptist as to be against the baptizing of children," was, upon his refusal to take the oaths of allegiance and supremacy, dismissed from the House. But it is to be inferred from the order of the House dismissing Porter that the action was taken owing to his refusal to take the oaths of allegiance and supremacy, rather than because of the charge made against him.[1] He does not appear to have been further prosecuted.

Before proceeding further with our account of the Quakers, it seems appropriate at this point to determine, if possible, what other dissenting sects were at that time represented in Virginia. The act mentioned above against those who refused to have their children baptized has led some to suppose that there were a few Baptists in the colony.[2]

The act, however, is not conclusive proof of this. The Quakers, in their general condemnation of all forms and ceremonies, included infant baptism. At a time when the memory of the excesses of the Anabaptists in Germany was still alive, this tenet would be particularly noticed, and stamped as dangerous. But it probably had not yet become known to the Assembly simply as one of the regular Quaker opinions; for it has been seen that John Porter was accused, not only of being well affected toward the Quakers, but also of being so far "an ana-baptist as to be against the baptizing of children." Thus a special act was aimed against persons holding this view.

In Beverley's "History of Virginia," the first edition of which appeared in 1705, an account is given of an obscure conspiracy formed in 1663 by certain servants and others to overturn the government. The ringleaders were "Oliverian"

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[1] Hening, II., 198.

[2] Cook's History of Virginia, p. 221. Neill, Virginia Carolorum, p. 293.

soldiers, who had been sent out to Virginia for misconduct at home; but the Dissenters were, according to Beverley, implicated. The plot was disclosed by Birkenhead, one of the conspirators, and came to naught. Birkenhead was rewarded by the General Assembly with his freedom and five thousand pounds of tobacco, and the 13th of September, the day on which the plot was to have been executed, was set apart for a yearly thanksgiving. This action of the Assembly is found recorded in the statutes of the colony.[1] But Beverley is our authority for the particulars of the plot. Beverley wrote forty years after the event described—ample time for the growth of tradition—and it is not certain that he used authentic records in preparing his account.[2] His point of view, too, was that of a Churchman disposed to believe all things discreditable to Dissenters. For these reasons his account of the affair is hardly to be fully accepted. The conspirators were probably of the convict class alone.

It is concluded from the considerations given above, and from the absence of definite statements in regard to them, that at this time there were, in addition to the Quakers, few, if any, Dissenters in the colony. The laws, however, were formed in a comprehensive manner to make provision against Dissenters in the colony at the time, and against any who might come in in the future.

From the few authentic sources of information that remain, it may be judged that the laws against the Quakers were unequally executed in different parts of the colony, but that in no section were they thoroughly put in force for any length of time.

The spirit displayed toward Quakers in some sections by leading men may be seen in the report of Colonel Edmund Scarborough, written in 1663, giving an account of the man-

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[1] Hening, II., 204.

[2] Beverley says that Birkenhead was given two hundred pounds sterling; Hening puts the reward at five thousand pounds of tobacco. It is not possible to say which is correct, for Hening gives only an abstract of the order of the House of Burgesses, and the accuracy of the abstract cannot, of course, be vouched for.

ner in which he had executed an order of the Assembly to collect rents and dues in the territory on the Eastern Shore which was at that time in dispute between Maryland and Virginia. Colonel Scarborough met with several of the sect in this region, and his epithets of contempt are unmeasured. To illustrate, one is called the "proteus of heresy, notorious for shifting schismatical pranks"; another is described as a "creeping Quaker"; a third, as a "prater of nonsense."[1]

The records of the county court of Accomac, among the very few court records of an early day that have been preserved, show that the first few Quakers who made their appearance in that county were charged with "vilifying the ministers, disobeying the laws, and blaspheming God." They were ordered to be sent to appear before the General Court. What further was done in the matter is not known.[2] Accomac, however, was not thus freed from Quakers, and it seems that as they became better understood they were allowed a greater degree of toleration. There were members of the society living in the county unmolested and respected between the years 1680 and 1690. The records say: "Thomas Brown and his wife, though Quakers, were yet of such known integrity that their affirmation was received instead of an oath."[3]

The experience of the Quakers in Accomac may probably be taken as typical of their experience in most of the other counties of the colony. After the first few years of ignorance on the part of the people at large in regard to the real tenets of the Quakers, and the first few years of turbulent and uninstructed zeal on the part of the first converts of the society, it is probable that they were not, as a general rule, further molested, beyond being made to pay tithes and an occasional fine for non-attendance at church.

Of the turbulence and ignorance of many of the early Quakers we may judge from the records of the county court

[1] Given in Virginia Carolorum, p. 302.
[2] Meade, I., 427. [3] Quoted in Meade, I., p. 255.

of Accomac above referred to, although, of course, allowance must be made for the source; and also from what might be naturally expected of members of a new sect in a new country. But the same thing may be inferred even from Quaker writings. Janney tells us that the Virginia Friends, led astray by John Perrot, were visited, and many of them reclaimed, by John Burnyeat in 1666.[1] But they seem to have relapsed, for William Edmundson reports in 1672 that "things are much out of order as regards church discipline." Church discipline was found to be greatly needed among them by George Fox also, in his visit in 1672. William Edmundson came to Virginia again in 1676, and on that visit, too, he found many "unruly spirits" among the Quakers there.[2]

It has been stated above that Sir William Berkeley would hardly have dared to disregard entirely his instructions from the crown in reference to the Dissenters. The several Quaker missionaries mentioned in the preceding paragraph do not appear to have been molested by him. William Edmundson, indeed, had an interview with the Governor in 1672 in regard to the sufferings of the Quakers. But in his journal Edmundson does not give illustrations of what these sufferings were, which, it seems reasonable to suppose, he would have done if they had been extreme. Edmundson himself, although he was treated with small courtesy by the Governor, was not interfered with in his work in the colony. We may conclude from this that the law of 1663 had by this time (1672) become practically almost inoperative, so far as its extreme provisions were concerned. This amelioration of the condition of the Quakers was accelerated by the coming of Lord Culpeper to Virginia as Governor in 1680. Lord Culpeper seems to have been much more inclined to carry out his instructions from the crown in regard to Dissenters than Sir William Berkeley had been. His instructions directed him "to permit a liberty of conscience to all other

[1] History of Friends, etc., I., p. 103. [2] *Ibid.*, I., 357.

persons, except Papists, so they be contented with a quiet peaceable enjoying of it, not giving offence or scandal to the government."[1] He had accordingly, very soon after his arrival, stopped execution against John Pleasants, who had been indicted in Henrico county under the old laws.

But for a very long time after their first appearance in the colony the Quakers were numerically strong in only one section of Virginia. This was the southeastern section, the old stronghold of the Puritans. It seems that the Puritans remaining in Nansemond and adjacent counties were strong enough to determine the spirit in which the laws against the Quakers should be executed in that portion of the colony. They, no doubt, cherished a good deal of antagonism against Sir William Berkeley and his Royalist General Assembly, and would not be loath to show this feeling by obstructing the execution of laws of a special character. Their congregations, too, had been broken up, and, in preference to worshiping at the parish churches, many of them, no doubt, cast in their lot with the Quakers.[2] Thus the Quakers found in the southeastern section conditions more favorable for their protection and increase than they found in any other part of the colony.

In 1689 the famous Toleration Act was passed by the English Parliament as a reward to the Protestant Dissenters for the part taken by them in the Revolution of 1688. Persons taking the oaths of allegiance and supremacy, and subscribing a declaration against transubstantiation, were to be

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[1] Given in Virginia Carolorum, p. 396.

[2] It is known that Richard Bennett did this. Richard Bennett, former elder of the Nansemond congregation, one of the commissioners of the Parliament in 1652 for the reduction of Virginia, and first governor under the Provisional Government, continued to be a man of great influence even after the return of the Royalist party to power. In 1672, at the time of his conversion to Quaker principles, he was major-general of the forces of one of the military divisions into which the colony was divided. (See Calendar of State Papers [English]—Colonial (1661-1668), p. 401.) It will be remembered that John Porter, the member expelled from the House in 1663, was from Lower Norfolk, one of the counties of the southeastern section.

allowed to worship in their own meeting-houses, provided these houses were legally registered. Dissenting ministers were to be licensed to preach and administer the sacraments in these meeting-houses, on condition that they took the oaths and signed the Thirty-nine Articles, with the exception of the 34th, 35th, 36th, and a part of the 20th. The Articles excepted are those which refer to the constitution, forms, ceremonies and claims of the National Church. For Baptists, further exception was made of article XXVII., which relates to infant baptism. Quakers were to be allowed to make declaration of fidelity toward the government, instead of taking the regular oaths; and to subscribe to the following declaration of faith: "I, A. B., profess faith in God the Father and in Jesus Christ his Eternal Son, the true God, and in the Holy Spirit, one God blessed forevermore; and do acknowledge the Holy Scripture of the Old and New Testament to be given by divine inspiration."[1]

The Toleration Act was incorporate by reference into the laws of Virginia in April, 1699. In an act for the suppression of various forms of evil, Protestant Dissenters are excepted from penalties incurred by failure to attend exercises of worship held at the regular parish churches. The exception is made in the following sentence: "Provided always, that if any person or persons dissenting from the Church of England, being every way qualified according to one act of Parliament made in the first year of the reign of our sovereign lord the King that now is, and the late Queen Mary of blessed memory, entitled an act for exempting their Majesties' Protestant subjects dissenting from the Church of England, from the penalties of certain laws, shall resort and meet at any congregation or place of religious worship permitted and allowed by the said act of Parliament, once in two months, that then the said penalties and forfeitures imposed by the act for neglecting or refusing to resort to their parish church or chapel as aforesaid, shall not be taken to extend to

[1] Statutes at Large [English], V., 516.

such persons, anything in this act to the contrary notwithstanding."[1] By Act XXXI. of the revised statutes promulgated by the General Assembly in 1705, the affirmation of Quakers was to be considered valid in the courts of law in place of the ordinary oath. This act was a recognition of the act of Parliament on the subject passed in 1696.[2]

In regard to the number of Dissenters in Virginia about the time of the recognition of the Toleration Act by the Assembly, we have the testimony of a writer whose name is not known, but whose account of the colony was written between 1696 and 1698.[3] He says: "There are few or no Dissenters in that country; not so many of any sort as to set up a meeting-house, except three or four meetings of Quakers, and one of Presbyterians." The situations of these meetings are not given, but it is almost certain that they were all, with the probable exception of one Quaker meeting in Henrico county,[4] in the southeastern section of the colony. The Presbyterian meeting-house here referred to was probably the first set up in Virginia; for though the Rev. Francis Doughty,[5] a Presbyterian minister who labored among the Puritans in Maryland for some years (beginning, probably, with the year 1657), preached occasionally in Virginia also, he did not gather together a congregation there. The Presbyterians of the quotation given above were located on the Elizabeth River, and were probably emigrants from the north of Ireland. The first reference to them that we have is made in a letter written July 22, 1684, by the Rev. Francis Makemie to Increase Mather. Makemie says of them that they had

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[1] Hening, III., 168 ff.

[2] Hening, III., 298. The reference in this act to Roman Catholics illustrates the feeling of the time toward that class. It is provided that "Papist recusants, convicts, negroes, mulattoes, and Indian servants, and others not being Christians, shall be deemed and taken to be persons incapable in law to be witnesses in any case whatsoever."

[3] Massachusetts Hist. Soc. Coll., 1st Series, V., 124, note.

[4] Nar. and Crit. Hist. of America, III., 166.

[5] Briggs, American Presbyterianism, pp. 101, 111.

lost their Irish minister by death in the August previous.[1] Makemie remained among them for some time, and was succeeded by the Rev. Josias Mackie,[2] who continued to be their minister till his death in 1716.

On the 22d of June, 1692, Mackie fulfilled all the conditions of the Toleration Act and was formally given permission by the county court of Norfolk county to preach at certain registered places.[3] Mackie was probably the first Dissenting minister who thus qualified himself to preach in Virginia. Francis Makemie, who came to America as early as 1683, did not become permanently settled for some years, but worked as a missionary in Maryland, Virginia, and the Barbadoes. It is not necessary for us to follow him in his wanderings. It is sufficient for our present purpose to know that he obtained, October 15, 1699, from the county court of Accomac, formal license under the Toleration Act to preach at certain specified places in that county; that he was one of the ministers who united in 1705 or 1706 to form the Presbytery of Philadelphia; and that, after a life of much usefulness, he died in 1708.[4] At his death the congregation collected by him in Virginia ceased to exist. The Elizabeth River congregation seems to have practically disbanded even before the death of

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[1] Briggs, American Presbyterianism, Appendix, p. xlvi.

[2] Sprague, Annals, III., 6 ff.

[3] The oaths and declarations made by him are given in Sprague's Annals, III., 6 ff.

[4] Mr. Justin Winsor, in the Narrative and Critical History of America, vol. V., chap. IV., has fallen into a curious error in regard to the early Presbyterians of Virginia, and Makemie's connection with them. He says (p. 267): "The Governor [Gooch] proved conciliatory and became a favorite of the people. He granted toleration to the Presbyterians, who were now increasing on the frontier, where Makemie and the Scotch-Irish were beginning to gain influence, and the sturdy pioneers were thinking of the country beyond the mountains." Again: "The dissenting element was chiefly among the Presbyterians, and their strongholds were away from the tidewater among the mountains. The Reverend Francis Makemie was the principal leader among them," etc. (p. 282). The main facts in reference to Makemie have been given above. Makemie lived on the Eastern Shore of Virginia, was licensed to preach in 1699, and died in 1708. The Presbyterians of the mountains did not begin to come into the colony until 1732.

Josias Mackie in 1716, for in the second edition of Beverley's "History and Present State of Virginia," which was prepared for publication before Beverley's death in 1716, the following reference is made to the Dissenters: "Yet liberty of conscience is given to all other congregations pretending to Christianity on condition they submit to all parish duties. They have but one set conventicle among them, viz., a meeting of Quakers in Nansemond, others that have lately been being now extinct; and 'tis observed by letting them alone they increase daily."[1] It is possible that "the melancholy circumstances"[2] of Mr. Mackie, noticed by the Presbytery of Philadelphia in 1712, had reference to some condition of Mr. Mackie's health that destroyed his activity and usefulness as a minister.

It will be seen from the above that the recognition of the principle of toleration at that time in Virginia had no great immediate effect in increasing the number of Dissenting congregations. On the contrary, after a few years, their number seems rather to have diminished.

In 1711, the Quakers of Virginia came into conflict with Governor Spotswood in regard to military service. At that time there was an alarm of an intended French invasion, and Spotswood endeavored to put the colony into a position of defense. In a letter to Lord Dartmouth he describes the attitude of the Quakers. Their "doctrines are such as cannot be suffered in any government." "They have," he says, "not only refused to work themselves, or suffer any of their servants to be employed in the fortifications, but affirm that their consciences will not permit them to contribute in any manner or way to the defense of the country, even so much as trusting the government for provision to support them that do work; though at the same time they say that, being obliged by their religion to feed their enemies, if the French should come here and want provisions, they must, in con-

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[1] Hist. and Present State of Virginia (Campbell's Ed.), p. 228.
[2] Sprague, Annals, III., 5.

science, supply them." Spotswood had, as commander-in-chief of the forces of the colony, and thus empowered to demand services of all in time of emergency, put the laws in force against them; "since," as he very justly observes, "any one that is lazy or cowardly would make use of the pretense of conscience to excuse himself from working or fighting when there is great need of his services."[1] However, the French scare soon passed over, and with it, probably, the conflict which it had occasioned.

According to Beverley, as has been noticed above, the Quakers had about the year 1716 but one meeting in Virginia. They, however, soon after this became more flourishing, as is shown by their own records and by a letter from the Rev. Mr. Forbes, minister in the upper parish of Isle of Wight county, to the Bishop of London. In the year 1727, Samuel Bownas, a missionary of the Quakers, came to Virginia on a second visit. His first visit had been made twenty-two years before. He states in his journal that in this time nine public meeting-houses had been built.[2] The letter of the Rev. Mr. Forbes, sent in 1724, corroborates in a general way this statement, and gives reasons for the increase. It says: "In Nansemond, a large, populous and wealthy county, the Quakers do sensibly increase, not only in offspring, but also proselytes; and so many are the offended persons there, high and low, at the ministry of the Church, that I think there wants but little more than a learned, talkative, and subtle Quaker preacher to persuade a great many of them to Quakerism."[3] So bold had the Quakers become in Nansemond that one of their teachers had openly, in the face of the county court, attacked the doctrines, discipline and ministry of the Church. It is not recorded that he was in any way punished for this.[4]

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[1] Spotswood's Letters, I., 120.

[2] Janney, II., p. 201.

[3] Perry's Hist. Collection relating to the American Colonial Church, I., 333.

[4] Perry, p. 333 ff. Mr. Forbes's letter is also interesting in that it contains the first undoubtedly authentic reference to Baptists in Virginia. The Baptists, however, did not attain to a position of any importance for many years after this time.

It is probable that the increase of the Quakers here noticed was confined to the southeastern section of the colony. To the north of James River, the parishes were more regularly supplied with ministers, and, since the tobacco was better, probably with better ministers. At the same time the laws for the enforcement of parish duties upon all were still, as had been the case from the first, more strictly executed. Evidence of this is found in the case of Robert Jordan, who was imprisoned in 1720, and again in 1724, in Elizabeth City county for obstinate refusal to pay tithes and for disrespectful language to the court when sued.[1]

[1] Janney, III., 270.

III.

The Huguenots and the Germans.

Leaving the regular Dissenters for a time, it becomes necessary to describe briefly a class of Virginia's population, which, occupying a somewhat anomalous position, may be said to form a connecting link between these Dissenters and the Established Church. This class was made up of the Huguenots of Manakin Town and the less important Germans of Germanna. Certain principles were involved in the location of these settlements by the authorities of Virginia which are of importance in our study because of their later extension to the Dissenters themselves.

When, after the Revocation of the Edict of Nantes, the Huguenots began to escape from France to all the Protestant countries of Europe, their desirability as colonists for the Plantations was quickly recognized by the English government. It was also appreciated by the influential men in the colonies. Thus in 1698, when the Lords of the Council of Trade and Plantations were engaged in making preparations for sending a large company of them to America, Colonel Byrd submitted to that body a paper giving reasons why Virginia should be selected as their destination.[1] His arguments were convincing, and in the year 1700 about five hundred of the refugees were landed in the colony.

Dr. Brock, in his introduction to "Huguenot Emigration to Virginia," says of these: "They appear to have settled at different points; a portion about Jamestown, some in Norfolk county, others in Surrey, and two hundred or more at a spot some twenty miles above Richmond, on the south side

[1] Huguenot Emigration to Virginia (Virginia Historical Collection, vol. V.), pp. 5 ff.

of James river (now Powhatan county), where ten thousand acres of land, which had been occupied by the extinct Manakin tribe of Indians, were given them."

The settlement at Manakin Town was an especial care to the colonial government. In December, 1700, in order to encourage the refugees "to settle and remain together as near as may be to the said Manakin Town," an act was passed by the Assembly making the settlement a distinct parish under the name of "King William's Parish in the County of Henrico," and exempting it from public and county levies for seven years. This act made the refugees practically independent in church affairs. They made their own arrangements with ministers, and French was at first used in the services. The services were, however, those of the Church of England.[1] The Huguenot Church was, in fact, looked upon as a part of the regular Establishment. Thus, not long after the creation of the parish, its inhabitants met, according to the law of Virginia, and chose vestrymen, who, although they were called "antiens," seem to have performed the duties of their office just as did the vestrymen of other parishes.[2]

The policy of the colonial government in settling the Huguenots at Manakin Town is clearly set forth in a communication, dated August 12, 1700, from Governor Francis Nicholson to the Lords of Trade.[3] The communication states: "There is a great deal of good land and unpatented, where they may at present be altogether, which we thought would be the best for His Majesty's service and interests, and that they would be astrengthing to the frontiers, and would quickly make a settlement, not only for themselves, but to receive others when His Majesty shall be graciously pleased to send them."

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[1] Meade, I., 466.

[2] Cf. "The Answer of Abraham Sallé to the Petition of Mr. Philipe" (Huguenot Em. to Va., 69 ff.).

[3] Virginia Hist. Coll., VI.

The conflicts of the early colonists of Virginia with the Indians are well known. The Indian massacres of 1622 and 1644 are landmarks in Virginia colonial history. The statute books are full of legislation in regard to frontier forts, rangers, and other means of defense. The opposition of Sir William Berkeley to carrying on war with the Indians was one of the causes of Bacon's Rebellion in 1676. Bacon, in his campaign against the Indians, had destroyed this very band of Manakins; but so great was the fear of the Indians remaining in the vicinity that the land of the tribe was still unoccupied at the time of the coming of the Huguenots, twenty-four years later. In the settlement of the valley of the James, no advance had been made beyond the falls of the river, where Richmond now stands. Accordingly, while doing everything in its power to advance the interests of the refugees, the government was not disposed to let slip such an opportunity for establishing still further in the wilderness the frontiers of the colony.

The same principle was involved in the settlement of the Germans at Germanna by Governor Spotswood in 1714. The frontiers continued to be subject at different points to Indian incursions, and Governor Spotswood had formed the design of using certain tributary tribes as a means of defense. But the Tuscaroras had repudiated their bargain and failed to take the position assigned them. Just at this time the Germans came to Virginia. Governor Spotswood, in a letter of July 21, 1714, to the Lords Commissioners of Trade, says of them: "I continue, all resolved, to settle out our tributary Indians as a guard to the frontiers, and in order to supply that part, which was to have been covered by the Tuscaroras, I have placed here a number of Protestant Germans, built them a fort, and finished [furnished?] it with two pieces of cannon and some ammunition, which will awe the straggling parties of northern Indians, and be a good barrier for all that part of the country."[1]

[1] Spotswood's Letters, II., 70.

This party of Germans had been induced to come over to Virginia by the Baron de Graffenreidt, who had obtained an order from Queen Anne to the Governor of Virginia that they be furnished with land on their arrival. They were skilled in mining operations, and it was hoped that ore might be found in Virginia. Baron de Graffenreidt, however, had been unsuccessful in his undertakings and had left America before the coming of the party. They were thus left entirely at the disposal of the government of Virginia, and were settled on the frontier, on the Rappahannock river, some distance above where Fredericksburg now stands. An act to exempt them from levies was passed, and they were taken under the special protection of the Governor and several other gentlemen who were interested in the development of Virginia's iron mines.[1]

In February, 1716, their number altogether—men, women and children—was about forty.[2] In 1717, about eighty more came over.[3]

The first of the Germans had been accompanied by their own minister, but, he being very old, a petition was addressed in 1720 to the "Venerable Society for Propagating the Gospel in Foreign Parts," asking its aid in securing means with which to pay the salary of a younger minister and to build a church. It was proposed that the young minister should be ordained in England, and that he should bring over with him for use in public worship the liturgy of the Church of England translated into German.[4] What success the petition met with is not known. It shows, however, the willingness of the German settlers to become a part of the Established Church of Virginia, just as the French at Manakin Town had become a part of it.

The proposed connection of the Germans with the Church of Virginia was not a demand made upon them by the government. The government was willing to allow them to

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[1] Spotswood's Letters, II., 95. [2] *Ibid.*, II., 285. [3] Meade, II., 73.
[4] The petition is given in Meade, II., 75.

worship as they pleased. It was a step proposed by the Germans themselves because of the benefits that would arise from it. The same is true in the case of the French. There is no evidence that any demand was made upon them that they should conform themselves to the Establishment. It was, however, clearly to their interest to do so, and they could in this way show their desire to become thoroughly identified with the people with whom their lot was cast.

Although, as it appears from the foregoing, the Huguenots soon after their arrival in Virginia identified themselves with the Established Church, and the Germans at least declared their willingness to do so, it should be remembered that both parties were at first, so far as the Church of Virginia was concerned, Dissenters. The government, in receiving them and settling them upon the frontiers, set precedents which were soon followed in the case of other Dissenters.

IV.

The Presbyterians.

Under the administration of Governor Gooch, who came to Virginia in 1727, the settlement of the frontiers was vigorously prosecuted. It is not necessary to trace minutely the different steps of the settlement. The general policy of the government was to grant patents to all applicants, without discrimination as to their religious preferences, on condition that within a given time a required number of settlers should be located on the grants. In 1732 the first regular settlement in the Valley of Virginia was made under one of these grants by Joist Hite and sixteen families from Pennsylvania, and from this time its occupation went steadily on. The first settlers were principally Germans, Scotch-Irish, and English. They came at first largely from Pennsylvania; later on, directly from Europe and the older portions of Virginia. Many denominations were represented among them: Presbyterians, Lutherans, Quakers, Mennonists, and Tunkers. To these must be added the adherents of the Established Church who came over the mountains from Eastern Virginia. However, at the time of the formation of Augusta and Frederick counties in 1738, the Dissenters greatly outnumbered the regular Churchmen.

Augusta and Frederick were formed so as to give the inhabitants of Western Virginia the benefits of civil government, and they embraced the whole territory of the colony west of the Blue Ridge mountains. By the law of Virginia, whenever a new county was formed, a parish was formed at the same time. The county and parish were one. The act by which Frederick and Augusta were formed is headed "An Act for erecting two new Counties and Parishes, and granting certain encouragements to the inhabitants thereof." The

one was "to be called by the name of the county of Frederick and Parish of Frederick"; the other was "to be called by the name of the county of Augusta and Parish of Augusta." The eighth section of the act provided for the election by the "freeholders and housekeepers" of each of the parishes, of a vestry, to be composed of "twelve of the most able and discreet persons" of the said parish. These were to take "the oaths appointed by the law," and to subscribe to be conformable to the "doctrine and discipline of the Church of England."[1] At first sight it would seem that it would be hard to find in counties whose population consisted almost entirely of Dissenters twelve representative men qualified to take the oaths. But such was not the case. The leading men of the section, knowing that each parish, as soon as it had been once established, was in itself practically independent, overcame what scruples they may have had in the premises and carried out this provision of the law. The Governor had been directed to delay the execution of the act till in his opinion the number of inhabitants of Western Virginia was sufficiently great. This time came in 1744. Then the courts and vestries of the two counties and parishes were duly organized. Of the first vestry of Frederick little is known. The names of its members have not been preserved.[2] In 1752, however, it was dissolved by the General Assembly and a new election ordered, on the grounds that funds had been misappropriated by it. On the other hand, particulars in regard to the vestry and church of Augusta parish are much fuller.[3] In this parish the population was largely Scotch-Irish. The election of a vestry took place in 1746. Peyton, in his "History of Augusta County," says of this vestry: "The first vestry of Augusta Parish was doubtless largely composed of Dissenters, men who, so far as religion was concerned, were politically Episcopalians and doctrinally Presbyterians, but willing to submit outwardly to the powers

[1] Hening, V., 78.
[2] Meade, II., p. 211.
[3] See Peyton's History of Augusta County.

in being, while they held themselves free to have their own private opinions." The members of the vestry seem to have attended to the duties of office very much in the manner of men who, having carried out the letter of the law, had a full appreciation of their own authority. Thus, when the first minister came up from Williamsburg with letters from Governor Gooch, the vestry determined to receive him provided that he would not insist upon the purchase of glebe land and the erection of buildings thereon for two years. The buildings, including the church, were not finished till 1753 or 1754.[1] In the meanwhile, the courthouse was used for religious services. In the regulation of church services, a spirit of compromise was displayed. The minister was a regularly ordained Episcopalian, but Dissenters sometimes occupied his pulpit.[2] Gown and surplice were not used by the minister, and the congregation received the sacrament standing. But this offshoot of the Established Church did not flourish. The congregation dwindled away when, owing to the increase of Presbyterian ministers in that section, the people had an opportunity of worshiping in a manner more in accordance with their preferences.

Though the early settlers of the Valley of Virginia were composed of men of various denominations, the Presbyterians appear to have been for many years the only Dissenters who had their own regular ministers. Contemporaneous with the settlement of the Valley, families of Presbyterian origin had also established themselves along the frontiers to the east of the Blue Ridge mountains, in the present counties of Albemarle, Nelson, Prince Edward, Charlotte, and Campbell.[3] In the year 1738, the Rev. Mr. Anderson, of the Synod of Philadelphia, visited Governor Gooch in the interest of a number of Presbyterians who were meditating a settlement on the frontier of Virginia. He brought with him an address from the Synod to the Governor, which prayed that these

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[1] Peyton's History of Augusta County, 100.
[2] *Ibid.*, p. 97.
[3] Foote, Sketches of Va., p. 102.

settlers might be allowed the "liberty of their consciences and of worshiping God in a way agreeable to the principles of their education." Governor Gooch in his reply says: "And as I have always been inclined to favor the people who have lately removed from the provinces to settle on the western side of our great mountains: so you may be assured that no interruption shall be given to any ministers of your profession who shall come among them, so as they conform themselves to the rules prescribed by the Act of Toleration in England, by taking the oaths enjoined thereby, and registering the place of their meeting, and behave themselves peaceably toward the government."[1] Though nothing is here said about Presbyterian settlers to the east of the mountains, these are evidently included in the expressed good-will of the Governor; for the very company referred to in the address established themselves in Charlotte, Prince Edward, and Campbell counties, all east of the Blue Ridge. These counties were, however, at that time remote from the centers of population.

In his dealings with settlers who were Presbyterians from the time of their first coming into the colony, Governor Gooch seems to have been always fair. They were allowed toleration. Visiting ministers preached to them from time to time, and in 1740 the Rev. Jno. Craig took up his residence in Augusta county.[2]

About the same time the Rev. Mr. Black settled in Nelson county.[3] Gooch was himself a Scotchman and appreciated the views of the Presbyterians. At the same time he never lost sight of his plan for strengthening the frontiers.

But very soon the question became complicated by a division that took place in the Synod of Philadelphia, and by the spread of Presbyterian doctrines in counties whose population was originally Episcopalian. The division of the Synod and the spread of Presbyterianism in Virginia were both the results of the great religious revival extending at that time

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[1] Given in Foote, p. 104. [2] Peyton, p. 80. [3] Foote, p. 119.

throughout the English colonies in America. The general revival has been called the "Great Awakening of 1740," but it was not confined to that year.[1] It had commenced several years before that date, and it continued for some time after. It had sprung up independently in America before the coming of Whitefield, but it was greatly augmented by the preaching of that wonderful man. The ideas emphasized in the revival were the necessity of the new birth for salvation and the ability of the convert to recognize the change in his spiritual nature,—doctrines which had been largely lost sight of by all the churches. Religion had become a matter of form, not of experience. The revival, then, was a protest against this formalism, and it affected all denominations. In the controversies that it either started or augmented, the Baptist and the Presbyterian churches were both split in two; the Baptist into Regular and Separate, the Presbyterian into Old Side and New Side. Among the Presbyterians, the Synod of Philadelphia was Old Side; New Side were the Presbyteries of New Castle, New Brunswick, and New York. The whole movement was called by its opponents the "New Light Stir," and its preachers "New Lights."

Before the coming of any of these preachers into Virginia, reports of the religious excitement prevailing in the North had reached the people of that colony.[2] In Hanover county, a small company of those who had been stirred by the reports began to meet together for the reading of such religious works as they could secure. Mr. Whitefield came to Virginia in 1740 and preached at Williamsburg, but the small band of Dissenters in Hanover county did not have an opportunity of hearing him. They continued to increase, however, and after a time found it necessary to build a house for their meetings. In the meanwhile they had obtained a copy of Whitefield's sermons delivered in Glasgow. The mere reading of these sermons produced a remarkable effect,

[1] Joseph Tracy's "The Great Awakening," p. 11.
[2] The Great Awakening, p. 377.

and Mr. Morris, the leading spirit of the movement, soon began to be invited to read them in other places. Thus the revival spread. The authorities of the colony, taking notice after a time of the growing dissent, called upon the company to declare to what sect they belonged. Here was a difficulty. They did not know by what name to call themselves. Their dilemma is thus described by Mr. Morris: "As we knew but little of any denomination of Dissenters except Quakers, we were at a loss what name to assume. At length, recollecting that Luther was a noted reformer, and that his doctrines were agreeable to our sentiments, and had been of special service to us, we declared ourselves Lutherans; and thus we continued till Providence afforded us an unexpected opportunity of hearing the Rev. Mr. William Robinson."[1] Mr. Robinson had been sent as an evangelist in the winter of 1742-1743 by the New Side Presbytery of New Castle to visit the Presbyterian settlements of Virginia and North Carolina. In Virginia he had labored principally on the east of the Blue Ridge mountains, in the counties of Charlotte, Prince Edward, Campbell, and Albemarle.[2] His fame having reached Hanover county, the Dissenters there sent him an invitation to visit them.

Mr. Robinson came in July, 1743, and continued with them four days. He was the first Presbyterian minister that preached in Hanover county. Mr. Robinson was followed by Mr. Jno. Blair. Under the public preaching and private instruction of these ministers the Hanover Dissenters were strengthened in their Presbyterian views, and they put themselves under the care of the Presbytery of New Castle.

In the winter of 1744-45 the Presbytery sent the Rev. John Roan as a supply to the people of Hanover. Mr. Roan was a more extreme type of revivalist than his predecessors, and

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[1] Given in The Great Awakening, p. 373. According to another account, however, some of them at least seem to have given up the name of Lutherans before the coming of Mr. Robinson. A Presbyterian Confession of Faith had come into their hands, which they recognized as containing their beliefs. (Foote, p. 124.)

[2] Foote, p. 126.

his zeal led him into making violent denunciations of the ministry of the Established Church. The clergy and their friends became thoroughly aroused. Before this time the Dissenters of Hanover had not met with any very special opposition from the authorities. They had, indeed, been called upon to declare to what denomination they belonged; but, having done this, they had been allowed to meet together as they pleased, although their meeting-houses had not been registered according to law. Having no licensed preachers and no licensed houses of worship, they were, of course, finable for absence from the parish church, and the law was to this extent sometimes put in force against them.[1] But the authorities did not proceed to extreme measures till the time of the excitement occasioned by the preaching of Mr. Roan. Mr. Roan himself had not obtained a license according to the Toleration Act, and he delivered denunciatory harangues in unlicensed houses. He was, then, in the eyes of the authorities, an itinerant come to stir up discord and schism. Governor Gooch had promised toleration under the law to ministers of the Synod of Philadelphia who should visit the Scotch-Irish settlements on the frontiers, but, in his opinion, the Toleration Act had not been passed for the benefit of proselyters. Accordingly, at the meeting of the General Court in April, 1745, he delivered to the grand jury a long and earnest charge in reference to the matter.[2] It begins as follows: "Gentlemen of the Grand Jury,—Without taking notice of the ordinary matters and things you are called to attend, and sworn to make inquisition for, I must on this occasion turn your thoughts and recommend to your present service another subject of importance, which I thank God has been unusual, but I hope will be most effectual. I mean the information I have received of certain false teachers that are lately crept into this government, who, without order or license, or producing any testimonial of their education or

[1] Foote, p. 133.

[2] The charge is given in Burke's History of Virginia, III., 119 ff. Foote's Sketches, p. 135.

sect, professing themselves ministers under the pretended influence of new light, extraordinary impulses, and such like satirical[1] and enthusiastical knowledge, lead the innocent and ignorant people into all kinds of delusions," etc. In this strain the charge continues. The Governor had at first promised himself that "either their preaching would be in vain, or that an insolence so criminal would not be connived at." But since the "workers of a deceitful work" were drawing disciples after them, and longer forbearance was dangerous, the jury was exhorted to take measures for putting "an immediate stop to the devices and intrigues of these associated schismatics." For they had not complied with the provisions of the Toleration Act. And even if they had done so, they would have forfeited by their violent course "the privilege due to such compliance." In conclusion, however, Governor Gooch advises that the zeal of the court and jury in the maintenance of religion be shown, "not as the manner of some is by violent oppression, but in putting to silence by such methods as our law directs the calumnies and invectives of the bold accusers, and in dispelling, as we are devoutly disposed, so dreadful and dangerous a combination." It will be seen from this charge that although he was incensed at the reports which had reached him of the boldness of the New Lights in denouncing the Established Church, Governor Gooch was not disposed to go beyond the letter of the law in his efforts to suppress them. His position is further clearly stated in the reply made by him to an address from the Synod of Philadelphia. A copy of the Governor's charge to the grand jury had been sent from Virginia to the Synod, and that body was not slow to disclaim all responsibility for the actions of the persons complained of. In the language of the address, these persons "are missionaries sent out by some who, by reason of their divisive and uncharitable doctrines and practices, were, in May, 1741, excluded from our

[1] Probably fanatical, as given in Briggs's "American Presbyterianism," p. 25.

synod, upon which they erected themselves into a separate society, and have industriously sent abroad persons whom we judge ill-qualified for the character they assume, to divide and trouble the churches." Governor Gooch, in his reply dated June 20, 1745, states that he had not been so uncharitable as to think that men of Presbyterian education and profession could be guilty of the conduct which had caused his charge to the grand jury. The reply closes as follows: "As the wicked and destructive doctrines and practices of itinerant preachers ought to be opposed and suppressed by all who have concern for religion, and just regard for public peace and order in church and state, so your missionaries producing proper testimonials, complying with the laws, and performing divine service in some certain place appropriated for that purpose, without disturbing the quiet and amity of our sacred and civil establishments, may be sure of, Reverend sirs, your most humble servant, William Gooch."[1]

The grand jury, in the meantime, had, on April 19, 1745, presented John Roan "for reflecting upon and vilifying the established religion," in several specified expressions; Thomas Watkins for the same offense; and Joshua Morris "of the parish and county of James City, for permitting John Roan, the aforementioned preacher, and very many people to assemble in an unlawful manner at his house, on the 7th, 8th, and 9th of January last past."[2] Mr. Roan had, however, before the meeting of the General Court, returned to Pennsylvania. The cases were continued till the next meeting of the court.

The next month after these presentments were made, the Presbyterians of Hanover county sent four of their number to lay their case before the Presbyteries of New Castle and New Brunswick. These two Presbyteries held a session under the title of "Conjunct Presbytery." Some months after this, in September, 1745, the Synod of New York was

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[1] Foote's Sketches, 139 and 140.

[2] Records of the General Court, quoted in Foote, p. 137 ff.

formed by the union of the Presbytery of New York and the two Presbyteries already named. The "Conjunct Presbytery" of New Castle and New Brunswick, however, took the cause of the Virginia Presbyterians immediately in hand. An address to Governor Gooch was drawn up, and sent by the hands of Messrs. Gilbert Tennant and Samuel Finley, two of the most prominent leaders of the New Side party. Messrs. Tennant and Finley, it seems, found no trouble in explaining to Governor Gooch the status of affairs in the Presbyterian Church. They were kindly received, and allowed to preach in Hanover county. They remained only a week, but after their departure the regular meetings for prayer and reading sermons were continued.

At the next term of the General Court (October, 1745) the cases of Thomas Watkins and Joshua Morris were continued. It is not necessary to trace the history of all these cases to their conclusion. They were all vigorously contested by attorneys for the king and attorneys for the defendants, and in only two cases were convictions reached. These were not finally decided till the April term of the court, 1748. They were the cases of Isaac Winston and Samuel Morris, both charged with allowing unlawful assemblies at their houses. The following record of the case of Isaac Winston was made by the clerk of the court on April 19, 1747: "This day came as well the Attorney General of our Lord the King, as the defendant by his attorney; and thereupon came a jury—(here follow the names of the jury)—who being elected, tried and sworn the truth to speak upon the issue joined, brought in a special verdict in these words, to wit—We find the people did assemble at the house of the defendant, but not in a riotous manner, and that John Roan preached in said house, but not against the canons of the Church of England as set forth in the information;—and the cause is continued till the next court for the matters of law arising thereupon to be argued."[1] The record in regard to

[1] Foote, p. 161.

Morris's case is of similar import. The questions of law were finally argued in April, 1748, and the following decision in Winston's case was rendered: "The matter of law arising upon the special verdict being argued, it is considered by the court that the said Isaac make his fine with our Lord the King, by the payment of twenty shillings to his Majesty's use, and that he pay the costs of prosecution."[1]

The same decision was rendered in the case of Morris. Throughout these prosecutions the sympathies of the petit juries seem to have been decidedly with the defendants. No case was brought to trial in the county courts. Several presentments, indeed, were made by the grand jury of the county of Hanover in November, 1746, but in May of the following year the attorney-general of Virginia had these cases removed by legal process to the General Court. The attorney-general at that time was Sir John Randolph, probably the most skilful lawyer in the colony, and he embarked with all his vigor into the prosecution. He evidently thought that convictions could be more readily reached in the General Court than elsewhere. The juries empaneled by this court in Williamsburg would certainly be more hostile toward Dissenters than would juries of the counties in which the revival movement was spreading. The fact that under these circumstances he secured only two verdicts from juries—and these, indeed, only in regard to the most evident matters of fact—shows to what an extent liberal ideas in religion had made their way among the people at large.

But the surest way of reaching the Dissenters through the law was by means of fines for absence from church.[2] Such cases were tried by justices of the peace, who were appointed by the Governor, and thus, to an extent, independent of the people. Since the Presbyterian meeting-houses were not licensed until April 14, 1747, those who attended services in them, to the neglect of the services of the parish churches, were for several years liable to the penalties of the law. But

[1] Foote, p. 168.

[2] Hening, III., 361.

it is hardly possible now to judge how far the law was enforced. Mr. Samuel Morris records that he himself was repeatedly fined for non-attendance at church. Mr. Morris, however, was the leader of the movement, and on this account more likely to be singled out for prosecution. It is not probable that others were so strictly dealt with.

Leaving the legal proceedings against individual Presbyterians, and resuming our consideration of the denomination as a whole, we find that after the Reverends Gilbert Tennant and Samuel Finley left them in 1745 they were visited by the Reverends William Tennant and Samuel Blair. Later, Mr. Whitefield himself preached for them. Mr. Morris says of him: "Mr. Whitefield came and preached four or five days, which was a happy means of giving us further encouragement and of engaging others to the Lord, especially amongst the Church people, who received the Gospel more readily from him than from ministers of the Presbyterian denomination."

Mr. Morris proceeds in his account of the Presbyterians as follows: "After his departure, we were destitute of a minister, and followed our usual method of reading and prayer at our meetings, till the Rev. Mr. Davies, our present pastor, was sent by the Presbytery to supply us about six weeks, in spring, anno 1747, when our discouragements from the government were renewed and multiplied: for on one Sunday, the Governor's proclamation was set up at our meeting-house, strictly requiring all magistrates to suppress and prohibit, as far as they lawfully could, all itinerant preachers, &c., which occasioned us to forbear reading that day, till we had time to deliberate and consult what was expedient to do; but how joyfully were we surprised before the next Sabbath, when we unexpectedly heard that Mr. Davies was come to preach so long among us; and especially that he had qualified himself according to law and obtained the licensure of four meeting-houses among us, which had never been done before!"[1] It seems from this extract that Governor Gooch

[1] Given in "The Great Awakening," p. 374 ff.

had determined to go to such lengths as the law allowed in his efforts to check the spread of Dissent. But even if he were so disposed, he could not, as he thought, lawfully oppose the licensing of properly qualified ministers who made application for such license. And throughout the whole controversy it is evident that his antagonism was aroused, not by regular Dissenting ministers, but by itinerants who went from place to place scattering the seeds of religious disorder. Accordingly, when Mr. Davies petitioned the General Court for license to preach at specified places, Governor Gooch favored the granting of the petition.

It will be recalled that the Rev. Josias Mackie obtained his license from the county court of Norfolk county in 1692, and that the Rev. Francis Makemie's license was granted him in 1699 by the county court of Accomac. But the practice was now different. The General Court reserved to itself entire jurisdiction in all such questions. Thus, when the county court of New Kent, in 1750, granted a license for a meeting-house in that county, the license was promptly revoked by the General Court. The reason for such a course is evident. The General Court consisted of the Governor and his Council; and the Council, made up of the leading representatives of the office-holding aristocracy of the colony, was naturally inclined toward the repression of all innovations both in Church and in State proceeding from the masses. Throughout the whole controversy in regard to the rights of the Presbyterians in Virginia, the Council always showed itself more narrowly conservative than the Governor. Whereas the Governor, acting under his instructions from the crown,[1] aimed to carry out the provisions of the Toleration Act in the manner indicated above, members of the Council claimed the right to put their own construction upon this act as incor-

[1] A letter written in 1750 by Commissary Dawson to the Bishop of London shows that the instructions given to Governor Gooch in regard to Dissenters were the same as those which were given to Governor Culpeper. These instructions have been quoted above, pp. 29, 30. The letter is given in Perry, p. 366.

porated into the laws of Virginia. In addition to this, in execution it should be brought into harmony with laws already in force.[1] There was no reason, then, so it seemed to the members of the Council, why the act should be construed in Virginia as it was construed in England. However, at the meeting of the court that took under consideration the application of Mr. Davies for license, the view of the law held by Governor Gooch finally prevailed. Mr. Davies was licensed to preach at four specified places.[2]

Mr. Davies did not at this time settle in Virginia, but, after preaching there for several months, returned home. In the spring of 1748, however, he was regularly called to take pastoral charge of the congregations in Hanover and adjacent counties. When he came to Virginia for the second time he was accompanied by the Reverend John Rodgers, who had been appointed by New Castle Presbytery to engage for some months in Virginia in the work of an evangelist. Mr. Davies and Mr. Rodgers went straight to Hanover county, and having preached there, proceeded to Williamsburg to obtain a license for Mr. Rodgers. But disappointment here awaited them. Not only was Mr. Rodgers absolutely refused a license, but some of the Council proposed even to revoke the one formerly granted to Mr. Davies. Not only this, there was some talk of prosecuting Mr. Rodgers for having already preached without a license. Governor Gooch, true to his general policy, favored the petition, but was not able to overcome the opposition of the majority of the Court. So Mr. Rodgers was compelled to leave Virginia without fulfilling his mission, and Mr. Davies returned alone to Hanover county.[3]

After Mr. Davies became regularly settled in Virginia, he preached with such zeal and eloquence that the desire to hear him spread far and wide. People who were compelled to come great distances to gratify this desire began to petition

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[1] Especially the law according to which the Governor was the judge of the credentials of ministers.

[2] Foote, p. 160. [3] *Ibid.*, p. 165.

the General Court for the licensing of houses in their own neighborhoods. Mr. Davies went to Williamsburg to plead in person for these licenses. It is probable that Attorney-General Randolph fought the petitions with all his ability. There are no authentic accounts of the arguments used *pro* and *con*, but tradition has it that Mr. Davies handled his case so well that the whisper went around the company of lawyers present, "The attorney-general has met his match to-day." The petitions were granted, and Mr. Davies was allowed to meet congregations at three new places. This was in November, 1748, just half a year after the refusal to license Mr. Rodgers. Mr. Davies had now seven places for preaching: three in Hanover county, one in Henrico, one in Goochland, one in Louisa, and one in Caroline.

Although the General Court of Virginia had refused to license Mr. Rodgers in 1748, this did not stop the coming of Presbyterian evangelists into the colony. The Rev. Mr. Davenport came to Virginia and preached in the summer of 1750. Whether or not he obtained a license is not recorded, but it is probable that he did not do so. About this time the president of the Council of Virginia had written to the Bishop of London asking that he bring the affair of the Virginia Dissenters before the King in Council,[1] and while the General Court professed itself waiting for advice from England no new license would be granted. It was at this time that the county court of New Kent granted the petition of several householders of that county for the license of a meeting-house for Mr. Davies. However, as has been seen, the license was promptly revoked by the General Court. Whatever might be the nature of the advice to come from England, the General Court was determined to keep the matter of licensing in its own hands. And it seemed to this body that, under the most liberal construction of the law possible, seven meeting-houses were certainly enough for a man who claimed to be a regular minister and not an itinerant.

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[1] Cf. Mr. Dawson's letter to the Bishop of London, Perry, p. 379; Mr. Davies's letter to Dr. Avery, Foote, p. 210.

The clergy, also, through their commissary, Mr. Blair, made a presentation of the state of religious affairs in Virginia to the Bishop of London. Mr. Davies, being informed of this, prepared a statement for the Bishop of London, which, however, was never presented; and wrote several letters to Dr. Doddridge and Dr. Avery, leading Dissenting divines in England, so as to excite their interest in behalf of the Dissenters in Virginia. These ministers took up the case with spirit, and several communications on the subject passed between Dr. Doddridge and the Bishop of London. From these sources it is easy to arrive at the claims made by the different parties to the controversy.[1]

The Bishop of London agreed with Attorney-General Randolph that the Act of Toleration itself confined Dissenting preachers to the specified places for which they had obtained license to preach. This had been admitted in England to such an extent that the Dissenters had obtained an insertion of a clause in the act of the 10th of Queen Anne, making it lawful for a Dissenting minister to preach occasionally in other counties in addition to the one in which he had obtained his license. Since the law of the 10th of Queen Anne had not been incorporatetd into the laws of Virginia, but only the law of the 1st of William and Mary (the Toleration Act itself), the Bishop of London's view was entirely favorable to the contention of the Church party in Virginia. But in his letter to Dr. Doddridge the Bishop of London declares that he is opposed to all methods of severity. In regard to the indictment of persons in Virginia for religious offenses he says: "Of this I have heard nothing. But give me leave to set you right on one thing, and to tell you that my name neither is or can be used to any such purpose. The Bishop of London and his commissaries have no such power in the Plantations, and I believe they never desired to have it; so

[1] Some of the letters are given in Foote's Sketches, others in Perry's Collections.

that if there be any ground for such complaint, the civil government only is concerned."[1]

The letter of Dr. Doddridge to the Bishop of London shows the common practice in England in regard to Dissenting ministers. There was no such thing as licensing particular persons to preach in particular places. Any licensed minister might preach in any licensed meeting-house if the proprietor of the place so wished. And when a license was desired for a new meeting-house, it was only necessary for three persons (one of whom must be the proprietor of the place) to make application to the justices at the quarter-sessions of the county.[2]

This was the construction of the law for which Mr. Davies and his Virginia friends were contending. It will be noticed, however, that the English practice had grown up under the Act of Toleration as enlarged by the law of the 10th of Queen Anne. In Virginia only the Act of Toleration itself had been incorporated, and the General Court had insisted upon keeping the execution of it under its own immediate supervision.

But the law of William and Mary was broad enough for Mr. Davies to base upon it one of his strongest arguments showing why the General Court should allow him a greater number of licensed meeting-houses. This law enacted, "That all the laws made and provided for the frequenting divine services on the Lord's Day shall be in force and executed against all persons that offend against the said laws, except such persons come to some congregation or assembly of religious worship allowed or permitted by the act." The law passed by the Virginia Assembly compelled persons to attend the services of the Established Church once a month "excepting as is excepted in an act made in the first year of the reign of King William and Queen Mary." etc. "But how," Mr. Davies argued, "is it possible for them to comply with this injunction, if they are restrained to so small a number of

[1] Perry, p. 372. Foote, p. 179. [2] Perry, p. 374 ff.

meeting-houses as that they cannot attend them? If the Act of Toleration imposes this restraint upon them, does it not necessitate them to violate itself?" The necessity of asking that so many places be licensed for one man arose from the sparseness of the Dissenting population in a new country and the dearth of ministers to take oversight of them. Under such circumstances the minister who had a large number of preaching places could not be classed as an itinerant. He was merely in the position of many of the ministers of the Established Church, who in large parishes had, in addition to the regular churches, several chapels for the accommodation of their parishioners. The refusal to grant him further licenses because his congregation was increasing at the expense of the Established Church, Mr. Davies showed to be also unreasonable. If it was not illegal for a man to change his opinions, the benefits of the Toleration Act could not be confined to those who were Dissenters by birth and education.[1]

In these arguments Mr. Davies came to the root of the whole matter. When the narrowness of the construction put upon the law by his opponents was shown again and again (as we may believe it was shown by Mr. Davies before the court and elsewhere), it could not be long before popular sentiment would compel the court to give way.

In the meantime, Mr. Davies does not seem to have given strict obedience to the law in the narrow construction put upon it by the General Court. He did not confine himself always to the places at which he had license to preach, but from time to time made missionary visits to the section of country lying to the south and southwest of Hanover county. This section, embracing the present counties of Cumberland, Powhatan, Prince Edward, Charlotte, Campbell, Nottoway, and Amelia, was at that time frontier territory, and it will be remembered that many Scotch-Irish families had settled there. But Mr. Davies preached wherever he stopped, and

[1] See Mr. Davies's Letter to the Bishop of London, Foote, p. 180 ff.

there are no accounts of his having ever been interfered with. It was only in the older counties that he was not allowed to preach by the General Court.

At the same time the Synod of New York did not forget the necessities of the inhabitants of the "back parts" of Virginia. In 1752 Mr. Henry and Mr. Greenman were sent to preach among them. Whether or not these gentlemen obtained licenses is not known. Since, however, they were come to preach upon the frontier to people who were already Presbyterians, it is probable that licenses, if applied for, were granted them without opposition. One of these ministers, Mr. Henry, settled in Virginia, and some years after this (in 1755) was regularly installed as pastor of two churches, one in Charlotte county, the other in Prince Edward. At this time he must have had a license. In 1752, also, Mr. Todd came to Virginia to act as assistant to Mr. Davies. At this time Governor Gooch had returned to England and Governor Dinwiddie was at the head of the government of the colony. The argument against granting Mr. Davies any more licenses for meeting-houses had been that he could not have so large a territory without becoming an itinerant, and that itinerants were not tolerated by the law of Virginia. The court could not, therefore, with any show of consistency refuse to license Mr. Todd, who had come to relieve Mr. Davies of a portion of his charge. Accordingly the license was granted.[1] But when license was asked for an additional meeting-house, the court refused to grant it, saying that nothing further would be done in the matter till instructions had been received from England.[2]

The same year (1752) Mr. Davies received through Dr. Avery the opinion of Sir Dudley Rider, attorney-general of England, in regard to the rights of Dissenters. The opinion has not been preserved, but it was certainly favorable to the claims made by Mr. Davies.[3] It was not likely, however, to have much influence with the General Court, which claimed,

[1] Perry, p. 393 ff. [2] Foote, p. 210. [3] *Ibid.*, p. 193.

as we have seen, entire freedom in the interpretation of the Toleration Act as a law of Virginia. Armed with this opinion, Mr. Davies, in June, 1753, on the eve of his visit to England in the interests of the College of New Jersey, made his final appeal to the court for the license of the meeting-house in New Kent county. The court, however, refused as before, professing to be still waiting for advice from England,[1] especially for the further opinion of the Bishop of London.

It has been stated that the president of the Council of Virginia, and the commissary representing the clergy, applied to the authorities in England for advice in regard to the Dissenters. The following communication on the subject from the Lords Commissioners of Trade was received by the president of the Council the latter part of 1750 or early in 1751:[2] "With regard to the affairs of Mr. Davies the Presbyterian, as toleration, and a free exercise of religion is so valuable a branch of true liberty, and so essential to the enriching and improving of a trading nation, it should ever be held sacred in his Majesty's Colonies; we must therefore earnestly recommend it to your care, that nothing be done which can in the least affect that great point; at the same time you will do well to admonish Mr. Davies to make a proper use of that indulgence which our laws so wisely grant to those who differ from the Established Church and to be cautious not to afford any just cause of complaint to the clergy of the Church of England, or to the people in general." But even after the reception of this very wise counsel the General Court did not become more liberal in its construction of the law. For, as we have seen, it refused after this to grant an additional license to Mr. Davies and Mr. Todd.

Although the court was thus sturdily holding out against innovations in religious matters, the Church party seem to have recognized about this time that the Dissenters had the law, putting a reasonable construction upon it, on their side.

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[1] Perry, p. 407.

[2] *Ibid.*, p. 379.

Dissenters, too, were becoming more numerous[1] among all classes. In this condition of affairs, several ministers drew up, in 1751, an address to the House of Burgesses, stating their grievances at length and praying for remedy. No new law, however, was asked for. It had not yet come to that. The petitioners deemed the law entitled "Ministers to be Inducted," passed first in 1643, sufficient, if it were carried into effect. But the fact that the address was made to the law-making body, and not to the General Court, indicates that there was a feeling that the laws had in some way to be revised. The address, however, was never delivered to the House of Burgesses, the leaders of the Church party think it inadvisable.[2] But the next year (1752) a bill, the object of which was to define the legal status of the Dissenters, was actually introduced in the Assembly. We know of this bill only through a reference made to it by Commissary Dawson in a letter to the Bishop of London. The commissary says in one place: "To put them under due restrain is the real intent of the bill, which being a matter of so great moment we thought proper after the first reading to submit to your Lordship's judgment." If, according to the law of the 10th of Queen Anne, a clause was to be inserted empowering a Dissenting minister to preach in any other county than the one for which he was licensed, Mr. Dawson wished to insert a proviso to the effect that there should be in the county visited a settled Dissenting preacher. "Otherwise," he says, "one teacher may and would ramble all over the country, and the grievance complained of would not be redressed."[3] Of this bill nothing more is heard. Even if it could have passed in Virginia, it is probable that it would have been overruled in England. The policy of the English government in regard

[1] Commissary Dawson, in a letter to the Bishop of London, dated August 16, 1751, makes the following admission: "Tho' by our laws none shall be admitted to be of the vestry, who do not subscribe to be of the doctrine and discipline of the Church of England; yet many Dissenters are vestrymen, wherein I humby request the favor of your Lordship's advice." Perry, p. 380.

[2] Perry, p. 380-381 ff.

[3] *Ibid.*, p. 384.

to Dissenters in the colonies has been clearly seen in the crown's instructions to the Governors of Virginia, and in the communication to the president of the Council from the Lords Commissioners of Trade.

But it is not certain that such a bill could have passed the Virginia Assembly at that time. Dissenters had increased greatly in numbers, and the question of their rights had been thoroughly discussed.[1] At the same time the ministers of the Church of Virginia were not, as a class, of such a character as to inspire the people with enthusiasm for the Establishment. And the disputes between ministers and their vestries continued to go on.

Among these disputes, the case of the Reverend Mr. Kay especially attracted at that time a good deal of attention. Mr. Kay had been received as minister of the Parish of Lunenburg in Richmond county, but, according to the general practice, had never been inducted. It was not very long before he and his vestry became involved in a serious controversy. At last his vestry shut the doors of the church against him and put persons in possession of his glebe-land. Mr. Kay brought an action in the General Court against those persons for trespass and obtained a favorable verdict. The vestry then raised the question of law, "whether a minister received by a majority in vestry and not inducted by the governor have a right to sue his vestry for trespassing upon the glebe and recover damages."[2] On this point, also, the court decided in favor of Mr. Kay. The vestry, hoping, probably, that the expense involved in prosecuting the case further would cause Mr. Kay to retire from it, determined to take an appeal to the King in Council. But the principle involved was such an important one that the commissary, the

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[1] Mr. Dawson, in the letter before referred to, says that the Dissenters had been bold enough to endeavor to obtain exemption from the payment of parochial levies. He does not state how this had been attempted. (See Perry, p. 386.)

[2] Perry, p. 389 ff. The action for trespass was brought against the persons who were put into possession of the glebe by the vestry, but it was recognized that these were mere agents.

clergy and the Governor made common cause with Mr. Kay, and funds were raised to defray the expenses of the appeal in England. As was to be expected, the King in Council sustained the decision of the General Court of Virginia. The case was finally settled May 15, 1753. When it is recalled how jealous the vestries were of their control over the clergy, and how largely the House of Burgesses was composed of vestrymen, it will be seen that the case of Mr. Kay would be bound to have great influence in shaping the opinion of the House in regard to Church legislation.

At the same time, too, there was another cause of discord in the Church party. Early in the year 1752 Commissary William Dawson died, and there were two applicants for the vacancy thus arising: the Reverend Mr. Smith, president of William and Mary College, and the Reverend Thomas Dawson, brother of the dead commissary. Governor Dinwiddie threw in the weight of his influence for Mr. Dawson, who, accordingly, was appointed to the position by the Bishop of London. According to a letter written in 1753 by Governor Dinwiddie to the Bishop of London, Mr. Smith, in revenge, stirred up the House of Burgesses to address a complaint against the Governor to the King in regard to the amount of the fee taken by the Governor on sealing and signing patents for land. Whether Governor Dinwiddie was correct or not in his accusations against Mr. Smith, the letter shows clearly that there was not that harmony in the Church party in Virginia which, even if other things had been favorable, could have made possible the passage of a bill by the General Assembly putting restrictions upon Dissenters.

From November 17, 1753, till February 13, 1755, Mr. Davies was absent from Virginia, having been sent by the Synod of New York on a special mission to England in the interests of the College of New Jersey. While in England, he had opportunities for consulting with leading Dissenters in regard to the state of affairs in Virginia. As a result of these deliberations, the following plan of action was agreed upon: When license was wished for any meeting-

house, application was to be made, first, to the court of the county in which the house was located, then to the General Court, and lastly to the Governor alone. If the applicants met with a refusal from each of these, they were to proceed to use the place just as if it had been licensed. In case of prosecution for this course, an appeal was to be taken to the King in Council.[1]

But it did not become necessary to put this plan into execution. In the first place, the number of Presbyterian ministers laboring in the territory originally occupied by Mr. Davies alone had increased by the end of the year 1755 to four. In addition to Mr. Todd and Mr. Henry, already mentioned, there was Mr. Wright, who had settled in Cumberland county. This increase of ministers rendered less plausible the excuse formerly given by the General Court for refusing to grant further licenses.

Far more powerful than this fact, however, was the influence produced on the government of Virginia and on the minds of the people at large by the French and Indian War. The war had begun in 1754, and from this time on for several years the tomahawk of the Indian was steadily at work on the frontiers. Added to the terror produced by this savage warfare, was the recognition by all that the contest was a death-struggle between England and France. If France should be victorious, the least result that could follow would be the checking of the expansion of the English colonies to the west. More than this, French victory probably meant annexation of the colonies by France, and the consequent loss by their inhabitants of the rights of free Englishmen. But possibly most alarming of all was the threatened Roman Catholicism which, it was thought, would follow French occupation. In an address to the convention of the clergy held at Williamsburg, October 30, 1754, the troubles of the times are thus referred to by Commissary Dawson:[2] "It would be needless to inform you in what condition the Church of Vir-

[1] Foote, p. 279.

[2] Perry, p. 415.

ginia at present is, attacked by the blind zeal of fanaticism on the one hand, and the furious malice of popery on the other," etc. The General Assembly, on its part, passed, in March, 1756, an act for disarming Papists and "reputed Papists" who refused to take the oaths to the government;[1] also an act for transporting to Great Britain those of the wretched Acadians who had found their way to Virginia.[2]

While the government was thus doing everything in its power to solidify the people of Virginia in opposition to the foe, it would have been the height of folly to antagonize, even in the least, any part of the loyal population. In the common fear of Popery, and the common danger, minor differences between regular Churchman and Dissenter began to be overlooked. Especially was this the case since the Dissenting population of the Valley bore the brunt of the Indian attacks, and their Dissenting brethren of Hanover county and vicinity heartily supported the government in its measures for prosecuting the war. Mr. Davies by his sermons and addresses fired the people as no other man could fire them. It is related that on one occasion, in the spring of 1758, when the people were almost worn out by the war and it was difficult to find voluntary recruits for the service, Mr. Davies was invited to address the men of Hanover county at general muster. Such was the effect of his appeal that in a few minutes more volunteers offered themselves for service than were called for. It is not surprising that under such circumstances the obstacles put in the way of Dissenters came to be very much lessened.

In the meanwhile, the element of the colony's population which might have objected to this result, had its attention taken up entirely with its own affairs. The clergy was engaged in a contest of its own against both the government and the people of Virginia. This contest, which was ended by the celebrated "Parsons' Cause" in 1763, had begun as early as 1755 with the passing by the Assembly of what was

[1] Hening, VII., 85. [2] *Ibid.*, VII., p. 89.

called by the clergy the "Two Penny Act." The act provided that all debts due in tobacco might be paid in money at the rate of two pence per pound. It was to be in force for ten months. A similar act was passed in 1758.[1] The clergy fought these acts in every way possible, demanding that their salaries be paid in tobacco, which at that time was worth much more than two pence a pound. Without going into the merits of the controversy, it is sufficient for our present purposes to call attention to its results. These were the further alienation of the people from the Established Church, and the increase of the Dissenters in number and influence.

The statement, then, seems warranted that during the French and Indian War one phase of the struggle between the Dissenters and the Established Church came to an end. After this, indeed, the General Court still insisted upon keeping the matter of licensing ministers and meeting-houses under its own supervision, but the spirit in which the law was executed was changed. Applicants for licenses could now go to the General Court with reasonable assurance that their requests would be granted.[2]

SUMMARY.—The Established Church of Virginia, as a result of circumstances as well as of the conscious effort of its

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[1] Campbell, Hist. of Va., p. 507 ff.

[2] Many of the early Separate Baptist ministers who preached in Virginia claimed the right to do so when and where they pleased. They met with much opposition from local magistrates, who looked upon them as disturbers of the peace; and many of them were imprisoned under peace warrants. But whenever they applied to the General Court for licenses, they seem to have obtained them. (Semple's Baptists in Virginia, p. 24.) The attitude of the government toward them may be seen in a letter written July 16, 1768, by Deputy Governor Blair to the king's attorney in Spotsylvania county (given in Semple's Baptists in Virginia, p. 16). The following sentence occurs: "The Act of Toleration (it being found by experience that persecuting dissenters increases their number) has given them a right to apply, in a proper manner, for licensed houses for the worship of God according to their consciences; and I persuade myself the gentlemen will quietly overlook their meetings till the Court." The contest of the Baptists with the authorities of Virginia has not been discussed in the present paper, since their claims seem to mark an advance in the general fight against the Established Church. With the Baptists the struggle becomes one for religious freedom rather than one for toleration.

adherents, differed widely from the mother Church of England, in that its government was not central but local. This difference, taken together with the fact that Virginia's population contained already several elements not in complete harmony with the Church, explains why the severe laws with which the Quakers and other Dissenters were promptly met upon their appearance in Virginia, were unequally enforced in different portions of the colony. Contrary, too, to the spirit of the persecuting laws were the instructions from the crown to the royal Governors, and the desire on the part of the inhabitants of the colony for an increase in its population. Thus the extreme provisions of the laws soon became inoperative. However, with the exception of the Quakers in the southeastern part of the colony, who profited by the attitude of the Puritan element there toward the government, Dissenters were for many years not numerous in Virginia. They continued to be of slight importance even after the incorporation into the laws of the colony in 1698 of the English Toleration Act of 1689.

The cause of the later increase in the numbers of Dissenters is to be found primarily in the policy of the government with reference to the strengthening of the frontiers. The first illustration of this policy is seen in the location in 1700 of the Huguenots at Manakin Town; the next, in the location in 1713 of the Germans at Germanna. The practice adopted in the case of the French and of the Germans was afterwards extended to regular Dissenters, when in 1732 the settlement of the Shenandoah Valley was begun by Germans and the Scotch-Irish from Pennsylvania.

These settlers on the frontiers, both east and west of the Blue Ridge mountains, were consistently allowed rights of toleration. But when Dissent began to spread in Hanover and adjacent counties, the inhabitants of which were originally adherents of the Established Church, the government in alarm endeavored to suppress it. In the contest thus arising, the claim of the Dissenters was that they should be accorded the privileges enjoyed by their brethren in England,

where the licensing of ministers and the registering of meeting-houses lay with local courts, and a minister's license made it legal for him to preach in any registered house whatever. On the other hand, the General Court took the ground that only so much of the English law on the subject applied to Virginia as had been incorporated into her statutes, and that in practice this must be brought into harmony with laws of Virginia already existing. According to this construction, the General Court kept in its own hands the licensing of ministers and meeting-houses, and confined each minister to the specified places for which he had been granted license. It claimed also the right to decide how many meeting-houses each minister should be allowed. But during the French and Indian War, when the government was straining every nerve to present a solid front to the enemy, and when Churchmen and Dissenters were drawn closer together by common danger, there was a change in the spirit shown toward the latter. At the same time, the influence of the clergy, owing to the unpopularity of their struggle in reference to the payment of their salaries, steadily waned. Under these circumstances, the Dissenters began to enjoy the rights which they had claimed, modified, however, by the construction still put upon the law by the General Court, which continued to reserve to itself the consideration of all questions in regard to licenses. The Dissenters had not gained their contention that the county courts should have jurisdiction in such cases, but in other respects the English construction of the law now prevailed.

Although much remained to be done before the day of complete religious freedom, the struggle for mere toleration was now at an end.